

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KMS TECH, INC.,

Plaintiff,

20-CV-01041 (GBD) (VF)

-against-

ORDER

G MISSION INC. et al.,

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge:

In this copyright-infringement case, the parties raised a dispute as to whether Plaintiff's expert can examine all "copies" of Plaintiff's software in Defendants' possession, or whether the expert is limited to examining only the version of the PlayBox software that Plaintiff sold Defendants in 2015. See ECF No. 155 at 6-8, 11-12. Although Defendants state that they admitted to copying the software, see, e.g., id. at 13, the "copies" are not complete copies, but rather pieces of Plaintiff's software "stitched together" and "manipulated" so that the software could be integrated into Defendants' system, id. at 16-17. Additionally, although Defendants state that they admitted to copying the software, id. at 22-26, the parties have not pointed the Court to a stipulation or any other evidence in the record indicating such an admission by Defendants. Plaintiff's expert is entitled to examine all versions of Plaintiff's software in Defendant's possession.

SO ORDERED.

DATED: New York, New York
December 21, 2023



VALERIE FIGUEREDO
United States Magistrate Judge